

\*E-FILED - 2/6/08\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

**KENNETH C. FITZHUGH,**

Petitioner,

v.

**JOHN MARSHALL, Warden,**

Respondent.

C 07-01091 RMW (PR)

**ORDER**

GOOD CAUSE APPEARING, it is hereby ordered that respondent may have until February 24, 2008, to file an answer to, or responsive motion regarding, the petition for writ of habeas corpus. Petitioner may file and serve a traverse, if any, within thirty (30) days of his receipt of the answer. He may file and serve an opposition or statement of non-opposition within thirty (30) days of his receipt of a motion to dismiss, if any.

**IT IS SO ORDERED.**

Dated: 2/6/08

  
RONALD M. WHYTE  
United States District Judge

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: ***Kenneth C. Fitzhugh v. John Marshall, Warden***      No.: **C 07-01091 RMW (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On January 24, 2008, I served the attached:

**1. APPLICATION FOR ENLARGEMENT OF TIME TO  
FILE ANSWER OR RESPONSIVE MOTION;  
2. DECLARATION COUNSEL IN SUPPORT OF  
APPLICATION FOR ENLARGEMENT OF TIME; and 3. ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Kenneth Carroll Fitzhugh, Jr.  
SPN# T-32277  
California Men's Colony-E 3114  
P.O. Box 8103  
San Luis Obispo, CA 93409-8103

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 24, 2008, at San Francisco, California.

J. Espinosa  
\_\_\_\_\_  
Declarant

/s/ J. Espinosa  
\_\_\_\_\_  
Signature